

REMARKS

Applicant has received and carefully reviewed the Office Action of the Examiner mailed September 25, 2007. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1, 12, 25, and 32 have been amended to more particularly describe the invention. No new matter has been added, as these amendments are abundantly supported by the originally filed application. Claims 5-22 and 24-34 are pending.

Before addressing the art rejections, it is noted that claim 27 has not been expressly included in an art rejection, even though the cover sheet would seem to indicate that it is rejected. Thus, Applicant will assume that the Examiner intended to include claim 27 in the anticipation rejection and will address it accordingly. If this is not correct, clarification is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 5, 11-14, 20-22, 24-26 and 28-34 under 35 U.S.C. §102(e) as being anticipated by Foreman et al. (US Patent No. 6,569,192). In order to anticipate, the cited reference must disclose each and every claimed element. Foreman et al. fail to do so.

In particular, independent claim 5 recites in part, "a raised pattern of generally noncontiguous elements disposed on the outer surface of the elongate shaft," and "wherein the raised pattern improves the transmission of torque along the elongate shaft." Independent claims 12, 25 and 32 recite similar limitations, specifically, a raised pattern on the outer surface of the elongate shaft and the ability to transmit torque along the elongate shaft. The cited reference does not disclose these features.

Rather, Foreman et al. are directed to a stent delivery catheter that has protrusions located on an expandable member for the purpose of securing a stent to the expandable member for delivery. See, for example, column 4 lines 23-26 of Foreman et al., which recites, "the catheter assembly includes expandable member 10 having protrusions 16 extending outwardly therefrom, and attached to outer surface 14 of the expandable member." Figure 1 of the reference clearly illustrates this.

An expandable member such as a stent delivery balloon cannot be considered as an elongate shaft. One of skill in the art would not interpret Foreman et al. as describing or suggesting protrusions along an expandable shaft. The cited reference cannot reasonably be

considered as describing or suggesting disposing a raised pattern of generally noncontiguous elements on an outer surface of an elongate shaft. Certainly, the cited reference cannot be considered as describing or suggesting such a raised pattern that includes a plurality of bearing points. These are claimed elements that are expressly missing from the cited reference.

Moreover, Foreman et al. do not describe or suggest a catheter that is configured to improve torque transmission, despite the Examiner's assertions to the contrary, as the reference does not disclose or describe the structural elements that provide the claimed improvement in torque transmission. In accordance with M.P.E.P. §2112(IV) the Examiner must provide rationale or evidence tending to show inherency. The section states, "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic."

Upon a careful reading of the cited reference, Applicant cannot find any indication that the protrusions (16) on the expandable member have any impact upon the torqueability of the catheter disclosed by Foreman et al. One of skill in the art would not expect or believe that stent holding protrusions disposed on an expandable member would impact torque transmission. Certainly, protrusions disposed on a balloon would not be expected or believed to improve torque transmission along an elongate shaft.

For at least these reasons, Applicant respectfully submits that claims 5, 12, 25 and 32 are patentable over Foreman et al. Claims 11, 13-14, 20-22, 24, 26-31 and 33-34 are in condition for allowance because they depend from one of claims 5, 12, 25 and 32, which are believed allowable, and contain additional limitations to further distinguish them from the prior art. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 6-10 and 15-19 under 35 U.S.C. §103(a) as being unpatentable over Foreman et al. (US Patent No. 6,569,192). Claim 5, from which claims 6-10 depend, and claim 12, from which claims 15-19 depend, have been distinguished above as being patentable over Foreman et al. As claims 6-10 and 15-19 include the elements of claims 5 and 12, respectively, as well as additional features and elements, they are also patentable over Foreman et al. Favorable reconsideration is respectfully requested.

Appl. No. 10/034,586
Amdt. dated December 21, 2007
Reply to Office Action of September 25, 2007

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

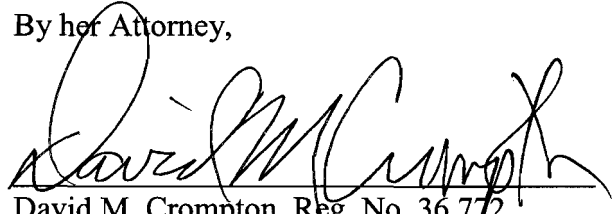
Respectfully submitted,

Tracee E.J. Eidenschink

By her Attorney,

Date: _____

12/21/07



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